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Supreme Court of the United States

No. 1058.

CIVIL.

MIDLAND COOPERATIVE WHOLESALE,
PETITIONER,

VS.

HAROLD L. ICKES, SECRETARY OF THE INTERIOR, BITUMINOUS COAL DIVISION OF THE DEPARTMENT OF INTERIOR, AND H. A. GRAY, DIRECTOR THEREOF,
RESPONDENTS.

MOTION TO ENLARGE TIME FOR FILING PETITION FOR REHEARING

and

SUGGESTIONS IN SUPPORT OF MOTION.

DANIEL C. ROGERS,
1500 Iron Street,
North Kansas City, Missouri,
Attorney for Petitioner.

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Now comes petitioner and moves that the Court shall enlarge the time within which petitioner may file Petition for Rehearing in the above cause until the first day of the October, 1942, Term of the Supreme Court, or at least until June 1, 1942.

Respectfully submitted,

DANIEL C. ROGERS,
Attorney for Petitioner.

SUGGESTIONS IN SUPPORT OF MOTION.

On April 27 the Court entered its order denying petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Petitioner herewith presents its motion to enlarge the time for filing Petition for Rehearing which expires under Rule 33 on May 22, 1942.

Petitioner is one of the constituent members of (1) The Cooperative League of the United States of America and (2) National Cooperatives, Incorporated. The constituent members of the latter two organizations are comprised of approximately fifteen wholesale consumers' cooperative associations similar to petitioner. Such constituent members are doing business on a large scale in various sections of the United States. The Cooperative League of the United States of America is a nation-wide educational organization. National Cooperatives, Inc., is a business organization into which petitioner and other wholesale consumers' cooperatives are federated for greater efficiency in business matters.

Petitioner desires an enlargement of the time within which to file its Petition for Rehearing so that it can confer with the officers of the aforesaid two national cooperative organizations. Petitioner, realizing the public importance of the question of law involved in the case, believes that the aforesaid nation-wide cooperative organizations will desire to make request of the Solicitor General that they be permitted to file *amicus curiae* briefs in support of petitioner's proposed Petition for Rehearing, and in such briefs to urge the public importance of the case and the importance of having the Supreme Court directly decide the legal issues involved.

In further support of its Motion petitioner informs the Court that officials of The Cooperative League of the

United States of America have already taken up with the Consumers' Counsel Division created under the Bituminous Coal Act of 1937 the matter of supporting its proposed Petition for Rehearing on the ground of the public importance of the legal questions involved.

Petitioner believes that if its proposed Petition for Rehearing may be supported with a stronger showing of the public importance of the case the Court will be justified in granting rehearing and taking jurisdiction of the case on the merits. The cooperative movement should not be required to grope in darkness in developing its rapidly expanding service program. It and its proponents and opponents should, without further delay, have a decision of the Supreme Court on the legal nature of "patronage savings" and the Congressional intent with reference thereto in the Bituminous Coal Act of 1937.

Wherefore, Petitioner prays that the Court will grant an enlargement of the time within which Petition for Rehearing may be filed until the first day of the October, 1942, Term, or at least until June 1, 1942.

Respectfully submitted,

DANIEL C. ROGERS,
Attorney for Petitioner.

Certificate of Counsel.

The undersigned counsel for petitioner, Midland Cooperative Wholesale, certifies that the foregoing Motion to Enlarge Time and the Suggestions in Support Thereof are presented in good faith and not for delay.

DANIEL C. ROGERS,
Attorney for Petitioner.